IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20229 of 2004

Between:

M/s.Jubilee Hills International Center, Jubilee Hills, Hyderabad-500 033,

rep., by its Joint Secretary, Dr.R.Venkat Reddy.

..... PETITIONER

AND

1 The Commercial Tax Officer, Jubilee Hills Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT), Punjagutta Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing the order of the 3rd respondent in CCT's Ref.No.LIII(2)/1966/2004 dated 30-10-2004 and consequently restrain the 1st respondent from taking any coercive steps for recovery of the disputed tax of Rs.10,15,080/- for the assessment year 2000-01 till disposal of appeal by 2nd respondent.

Counsel for the Petitioner: MR.P.SRINIVASA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX

The Court, at the stage of admission, made the following:

Oral order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the writ petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four (4) weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 04-11-2004

Nb:- Operative portion by wire at party’s cost.

B/o pvks/*

To

1 The Commercial Tax Officer, Jubilee Hills Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT), Punjagutta Division, Hyderabad.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

4.2CCs to the Government Pleader for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

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